

REMARKS

This application is amended in a manner to place it in condition for allowance at the time of the next Official Action.

Status of the Claims

Claim 18 is amended to include the features of claim 21. Accordingly, claims 20 and 21 are cancelled.

Additionally, claims 31-33 and 36-41 have been cancelled without prejudice.

Claims 18, 19, 22-30, 34, and 35 remain in this application.

Claim Rejections-35 USC §112

Claims 31-33 and 36-41 were rejected under 35 U.S.C. §112, second paragraph, for being indefinite. This rejection is rendered moot, as these claims are no longer pending.

Claim Rejections-35 USC §103

Claims 18-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over DU BOURG et al. WO 01/96403 ("DU BOURG"). This rejection is respectfully traversed for the reasons below.

The claimed invention is directed to a cationic liquid starchy composition having a dry matter of between 10 and 50%, a viscosity, determined according to a T test, of at least equal to 275 mPa·s and at most equal to 930 mPa·s. The composition also

has a total nitrogen level at least equal to 0.6% and at most equal to 1.4% by dry weight and a pH of between 3.5 and less than 9.

The position of the Official Action was that DU BOURG discloses "overlapping" ranges, including a viscosity of 5-1500mPa~s, and, thus, renders obvious the claimed invention.

However, the claimed viscosity of at least equal to 275 mPa~s and at most equal to 930 mPa~s is measured via a T test (based on a 10% dry weight), while DU BOURG discloses a viscosity of 5-1500mPa~s measured by an A test (based on a 20% dry weight).

The difference between these two tests is explained in the present specification, as DU BOURG belongs to the same assignee as the present invention. See, page 6, line 31 to page 7, line 14. A viscosity value of 1600 mPa~s measured at 20 % dry matter would be less than 200 mPa~s if measured at 10 % dry matter. Thus, at most, the 1500 mPa~s measured by an A test would be less than 200 mPa~s if it were measured by a T test.

In view of this fact, the DU BOURG composition neither discloses nor suggests the viscosity of the claimed invention.

Indeed, the unexpected benefits of the claimed invention are neither recognized or suggested by DU BOURG, as evidenced by Example 3 of the present specification.

Example 3 compares compositions according to the claimed invention, i.e. Composition B and Composition A, to

Composition 2 of Example 4 and Example 6 of DU BOURG, i.e.,
Composition T1 of the present Example 3.

The results demonstrate that the claimed invention leads to better "protection", or better stabilization, of an ASA (alkenyl succinic anhydride) based sizing agent. This higher "protective power" can be deduced from the lower particle size (8.2 and 7.5 mm respectively for Additives A and B instead of 11.4 mm for Additive T1) of the sizing emulsion after 24 hours of storage. This higher stabilizing effect is unexpected and not suggested by DU BOURG.

Moreover, in Example 6 of DU BOURG, which deals with ASA-based sizing agents, the cationic starch composition used has a very low viscosity (100 mPa·s when measured at 20 % dry matter), and there is no teaching in DU BOURG that would suggest that more viscous concentrated cationic starch compositions for obtaining more stable ASA based sizing compositions.

Therefore, claim 18, and dependent claims 19, 22-30, 34, and 35, are not rendered obvious by DU BOURG, and withdrawal of the rejection is respectfully requested.

Information Disclosure Statement

BE 626712, SUZUKI OSAMU et al., and the DATABASE WPI abstracts from the IDS filed December 30, 2005 were not considered because no English abstract or English language

equivalent was provided. However, this is not the requirement according to 37 CFR §1.98.

As explained in MPEP 609.04(a) III, a concise explanation of relevance for non-English language information as required by 37 CFR §1.98 3(i) includes:

"Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report."

The documents that were not considered were cited in the International Search Report from the International Application from which the present application is a National Phase Application. The Search Report, written in English, was provided when the application was filed.

Thus, applicants have complied with the requirements of 37 CFR §1.98 (3)i, and consideration of these documents is respectfully requested.

Conclusion

In view of the amendment to the claims and the foregoing remarks, this application is in condition for allowance

at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our credit card which is being paid online simultaneously herewith for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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